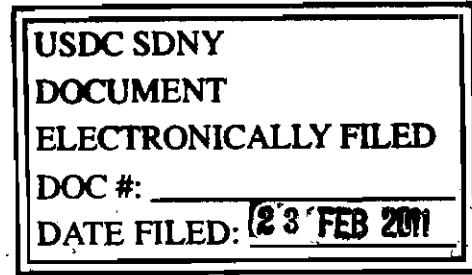


767 Fifth Avenue
New York, NY 10153-0119
+1 212 310 8000 tel
+1 212 310 8007 fax

Shai Y Waisman
+1 212 310-8274
shai.waisman@weil.com

Weil, Gotshal & Manges LLP



November 23, 2010

BY FEDEX

Honorable Paul A. Crotty
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Honorable Barbara S. Jones
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **In re Lehman Brothers Holdings Inc., et al., Chapter 11**
Case No. 08-13555

10 civ 6545 CPAC)
In re Lehman Brothers Holdings, et al.

*The above captioned matter is dismissed for
failure to prosecute. The Clerk of Court is directed
to close this matter*

SO ORDERED: 23 FEB 2011

Paul R. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE
10 CV 6545 CPAC)

"Copies Mailed By Chambers"
RECORDED

Dear Judges Crotty and Jones,

We are the attorneys for Lehman Brothers Holdings Inc. ("LBHI") and its affiliated debtors (collectively, the "Debtors") in the above captioned chapter 11 cases (the "Chapter 11 Cases") pending before the Honorable James M. Peck in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

Reference is made to that certain *Notice of Motion Under Rule 60 and to Consolidate Before USDJ Rakoff* (the "Motion") that has been filed by William Kuntz III in matters pending before each of your Courts. A copy of the Motion is attached hereto as Exhibit A. The Motion references three separate appeals that Mr. Kuntz has made to the United States District Court for the Southern District of New York (the "Court") from decisions of the Bankruptcy Court (the "Appeals"). While it is difficult to deduce the precise relief Mr. Kuntz is seeking by the Motion, it appears that, at minimum, he is requesting that the Appeals be consolidated.

November 23, 2010
Page 2

Weil, Gotshal & Manges LLP

November 23, 2010
Page 2

Weil, Gotshal & Manges LLP

Case number 08-CV-11273, which was pending before the Honorable Judge Jed S. Rakoff, was dismissed on February 19, 2009.¹ *See Order Entered by Hon. Jed S. Rakoff on February 19, 2009*, attached hereto as Exhibit B. To the best of our knowledge, Mr. Kuntz has never appealed that dismissal. As such, there is no action to be consolidated.

Case number 09-CV-10243, which was pending before the Honorable Judge Barbara S. Jones, was voluntarily withdrawn by Mr. Kuntz on December 28, 2009. *See Order Entered by Hon. Barbara S. Jones on January 19, 2010*, attached hereto as Exhibit C. Again, no matter is pending that can be consolidated.

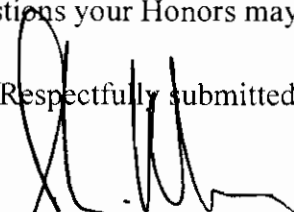
Case number 10-06545, which is currently pending before the Honorable Paul A. Crotty, was filed on September 3, 2010 and, with the exception of the Motion, has not been prosecuted by Mr. Kuntz, despite the fact that rule 8009(a)(1) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") provides that "[t]he appellant shall serve and file a brief within 14 days after entry of the of the appeal on the docket." As such, this matter should be dismissed for failure to prosecute. ✓

The Motion also references an amended notice of appeal of an order by Judge Peck denying Mr. Kuntz's motion for reconsideration pursuant to Bankruptcy Rule 60(b) (the "60(b) Appeal"). The 60(b) Appeal, which was pending before the Honorable Judge P. Kevin Castel and was given case number 09-CV-10226, was dismissed on December 22, 2009 for failure to pay the required filing fee. *See Order of Dismissal for Failure to Prosecute Bankruptcy Appeal*, attached hereto as Exhibit D. While Mr. Kuntz now claims that this dismissal was in error, he waited nearly 11 months to make such assertion. Further, Mr. Kuntz did not file the Motion in case number 09-CV-10226, presumably indicating that he did not intend to consolidate it with the above-described matters.

Since only one of the Appeals has not been dismissed or withdrawn, there are no cases to consolidate. The Debtors therefore request that the Motion be denied with prejudice.

I am, as always, available to answer any questions your Honors may have.

Respectfully submitted,


Shai Y. Waisman

cc: William Kuntz III

¹ Per Judge Rakoff's Individual Rules of Practice, this matter is being brought to Judge Rakoff's attention by means of a joint telephone call.